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8 RICHARD LASTER

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

11 GARY COPPOLA, an individual; GARY
12 COPPOLA, as SUCCESSOR TRUSTEE OF
13 THE VIOLA M. COPPOLA IRREVOCABLE
14 TRUST; and GARY COPPOLA, as TRUSTEE
15 OF THE ANTHONY M. COPPOLA TRUST,

16 Plaintiffs,

17 v.

18 PARAGON CLEANERS, INC. (formerly sued
19 as GREGORY SMITH, an individual);
20 RICHARD LASTER, an individual; THE
21 JANE HIGGINS NASH TRUST; JANE NASH
22 AS EXECUTOR OF THE ESTATE OF
23 DECATUR HIGGINS A/K/A THE ESTATE
24 OF MABEL ELAINE HIGGINS; HARLEY
25 MILLER, an individual; CHERYL MILLER,
26 an individual; MARTIN AND MARTIN
27 PROPERTIES; CALIFORNIA WATER
28 SERVICE COMPANY; the CITY OF
VISALIA; NASH PROPERTIES LLC
[DOE # 1], DAVID H. NASH, as the successor
co-trustee of the WILLIAM P. NASH AND
JANE H. NASH REVOCABLE TRUST
[DOE # 2], RICHARD P. NASH, as the
successor co-trustee of the WILLIAM P.
NASH and JANE H. NASH REVOCABLE
TRUST [DOE # 3], VISALIA UNIFIED
SCHOOL DISTRICT; and DOES 4-20,
inclusive;

Defendants.

AND RELATED COUNTER AND CROSS
CLAIMS

Case No. 1:11-cv-01257-AWI-BAM

**STIPULATION AND ORDER
SUBSTITUTING PARTIES AND
DIRECTING CLERK TO AMEND
CAPTION**

1 The following parties: Plaintiffs GARY COPPOLA, an individual; GARY COPPOLA, as
2 SUCCESSOR TRUSTEE OF THE VIOLA M. COPPOLA IRREVOCABLE TRUST; and
3 GARY COPPOLA, as TRUSTEE OF THE ANTHONY M. COPPOLA TRUST (hereinafter
4 collectively “COPPOLA”); Defendants, Cross-Complainants, and Counter-Claimants RICHARD
5 LASTER (hereinafter “LASTER”) and PARAGON CLEANERS, INC.; and Defendants and
6 Cross-Defendants THE JANE HIGGINS NASH TRUST, JANE NASH AS EXECUTOR OF
7 THE ESTATE OF DECATUR HIGGINS A/K/A THE ESTATE OF MABEL ELAINE
8 HIGGINS, NASH PROPERTIES LLC [DOE #1], DAVID H. NASH, as the successor co-trustee
9 of the JANE NASH TRUST, a trust created under the terms of the Last Will and Testament of
10 Mabel Elaine Higgins, formerly known as the Mabel Elaine Higgins Testamentary Trust and
11 commonly known as the Jane Higgins Nash Trust [DOE #2], and RICHARD P. NASH, as the
12 successor co-trustee of the JANE NASH TRUST, a trust created under the terms of the Last Will
13 and Testament of Mabel Elaine Higgins, formerly known as the Mabel Elaine Higgins
14 Testamentary Trust and commonly known as the Jane Higgins Nash Trust [DOE #3]; (hereinafter
15 collectively “the NASH Parties”) hereby stipulate to substitute parties to correctly identify the
16 names under which the NASH Parties are named in the following pleadings on file in this action:

- 17 • PLAINTIFF’S EIGHTH AMENDED COMPLAINT [and] DEMAND FOR JURY
18 TRIAL [Document 402];
- 19 • DEFENDANT RICHARD LASTER’S (1) ANSWER TO EIGHTH AMENDED
20 COMPLAINT; (2) COUNTERCLAIMS AGAINST PLAINTIFFS; (3) CROSS-
21 CLAIMS AGAINST OTHER DEFENDANTS; AND (4) DEMAND FOR JURY
22 TRIAL [Document 408];
- 23 • DEFENDANT PARAGON CLEANERS, INC.’S (1) ANSWER TO EIGHTH
24 AMENDED COMPLAINT; (2) COUNTERCLAIMS AGAINST PLAINTIFFS;
25 (3) CROSS-CLAIMS AGAINST OTHER DEFENDANTS; AND (4) DEMAND
26 FOR JURY TRIAL [Document 409]; and
- 27 • NASH PARTIES’ ANSWERS TO SEVENTH AMENDED COMPLAINT,
28 ANSWERS TO AMENDED CROSS-CLAIMS OF PARAGON CLEANERS,

1 INC. (SEVENTH AMENDED COMPLAINT), and ANSWERS TO AMENDED
2 CROSS-CLAIMS OF RICHARD LASTER (SEVENTH AMENDED
3 COMPLAINT) [Documents 342 through 350, inclusive].

4 Whereas, COPPOLA, LASTER and PARAGON CLEANERS, INC. have named The
5 Jane Higgins Nash Trust or Jane Nash as the Trustee of the Jane Higgins Nash Trust as a
6 Defendant and Cross-Defendant in their respective Complaints and Cross-Claims; and whereas
7 through recent communications with counsel for the NASH Parties, it has been brought to all
8 parties' attention that this Defendant and Cross-Defendant should be substituted for the named
9 Defendants and Cross-Defendants, as more particularly shown in the chart in numbers 4 and 5
10 below; and

11 Whereas, COPPOLA, LASTER and PARAGON CLEANERS, INC. have named Jane
12 Nash As Executor Of The Estate Of Decatur Higgins A/K/A The Estate Of Mabel Elaine Higgins
13 as a Defendant and Cross-Defendant¹; and whereas, through recent communications with counsel
14 for the NASH Parties, it has been brought to all parties' attention that Jane Nash died during the
15 pendency of this action and that this Defendant and Cross-Defendant should be named as two
16 separate estates, as more particularly shown in the chart in number 2 below; and

17 Whereas, the parties to this stipulation have agreed to correct the identification of the
18 NASH Parties as Defendants and Cross-Defendants in the Complaint and Cross-Claims
19 referenced above, so that they are named in their correct capacities in advance of trial. This will
20 promote judicial economy and will not cause prejudice to any party;

21 Now, therefore, the parties to this stipulation agree to the following substitution of
22 parties:

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27 ¹ COPPOLA's operative complaint also names Decatur Higgins, as an individual, deceased; Mabel Elaine
28 Higgins, as an individual, deceased – see ¶ 10, as granted in their motion for leave to file a Seventh Amended
Complaint.

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	As pled in in COPPOLA’S Eighth Amended Complaint [Document 402] and LASTER’S and PARAGON CLEANERS, INC.’s Eighth Amended Cross-Claims [Documents 408 and 409 respectively]:	Stipulated Substitution:
1.	The Jane Higgins Nash Trust or Jane Nash as Trustee of the Jane Higgins Nash Trust	<p>DAVID H. NASH, as the successor co-trustee of the JANE NASH TRUST, a trust created under the terms of the Last Will and Testament of Mabel Elaine Higgins, formerly known as the Mabel Elaine Higgins Testamentary Trust and commonly known as the Jane Higgins Nash Trust [DOE #2]</p> <p>RICHARD P. NASH, as the successor co-trustee of the JANE NASH TRUST, a trust created under the terms of the Last Will and Testament of Mabel Elaine Higgins, formerly known as the Mabel Elaine Higgins Testamentary Trust and commonly known as the Jane Higgins Nash Trust [DOE #3]</p>
2.	Jane Nash As Executor Of The Estate Of Decatur Higgins A/K/A The Estate Of Mabel Elaine Higgins	<p>Stipulation to substitute this one party with two separate parties as it is actually two separate estates, as follows:</p> <p>Estate of Decatur Higgins, Deceased; and</p> <p>Estate of Mabel Elaine Higgins, Deceased.</p>
3.	Nash Properties LLC [Doe #1]	No change
4.	DAVID H. NASH, as the successor co-trustee of the JANE NASH TRUST, a trust created under the terms of the Last Will and Testament of Mabel Elaine Higgins, formerly known as the Mabel Elaine Higgins Testamentary Trust and commonly known as the Jane Higgins Nash Trust [DOE #2]	No change

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5.	RICHARD P. NASH, as the successor co-trustee of the JANE NASH TRUST, a trust created under the terms of the Last Will and Testament of Mabel Elaine Higgins, formerly known as the Mabel Elaine Higgins Testamentary Trust and commonly known as the Jane Higgins Nash Trust [DOE #3]	No change
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The successor Defendants and Cross-Defendants – Estate of Decatur Higgins, Deceased, and Estate of Mabel Elaine Higgins, Deceased – shall be added to the allegations and claims in the Complaint and Cross-Claims as if they were fully set forth therein against these successor Defendants and Cross-Defendants, and each of them. The answers on file by the NASH Parties will serve as the answer on behalf of each of the newly named successor Defendants and Cross-Defendants as if they were fully set forth by each of them, individually.

Dated: November 4, 2016

GUALCO LAW

By: /s/ Lori J. Gualco
 LORI J. GUALCO
 Attorney for RICHARD LASTER
 and PARAGON CLEANERS, INC.

Dated: November 4, 2016

GREBEN & ASSOCIATES

By: /s/ Jan A. Greben as authorized 11/4/16
 JAN A. GREBEN
 Attorneys for GARY COPPOLA, an individual;
 GARY COPPOLA, as SUCCESSOR
 TRUSTEE OF THE VIOLA M. COPPOLA
 IRREVOCABLE TRUST; and GARY
 COPPOLA, as TRUSTEE OF THE
 ANTHONY M. COPPOLA TRUST

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Dated: November 7, 2016

WILLIAMS, BRODERSEN & PRITCHETT LLP

By: /s/ Steven R. Williams as authorized 11/7/16
STEVEN R. WILLIAMS
Attorneys for THE JANE HIGGINS NASH TRUST; JANE NASH AS EXECUTOR OF THE ESTATE OF DECATUR HIGGINS A/K/A THE ESTATE OF MABEL ELAINE HIGGINS; NASH PROPERTIES LLC [DOE # 1]; DAVID H. NASH, as the successor co-trustee of the WILLIAM P. NASH AND JANE H. NASH REVOCABLE TRUST [DOE # 2]; and RICHARD P. NASH, as the successor co-trustee of the WILLIAM P. NASH and JANE H. NASH REVOCABLE TRUST [DOE # 3]

ORDER

Based on the agreement of the parties, the stipulation is GRANTED in full. The Court finds that the current parties referenced in the Complaint and Cross-Claims (Docs. 342 - 350, inclusive, and 402, 408, and 409) shall be substituted for the purposes of this action as follows:

- 1. Substitute DAVID H. NASH, as the successor co-trustee of the JANE NASH TRUST, a trust created under the terms of the Last Will and Testament of Mabel Elaine Higgins, formerly known as the Mabel Elaine Higgins Testamentary Trust and commonly known as the Jane Higgins Nash Trust [DOE #2];
- 2. Substitute RICHARD P. NASH, as the successor co-trustee of the JANE NASH TRUST, a trust created under the terms of the Last Will and Testament of Mabel Elaine Higgins, formerly known as the Mabel Elaine Higgins Testamentary Trust and commonly known as the Jane Higgins Nash Trust [DOE #3]; and

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3. Substitute Jane Nash As Executor Of The Estate Of Decatur Higgins A/K/A The Estate Of Mabel Elaine Higgins with (a) Estate of Decatur Higgins, Deceased, and (b) Estate of Mabel Elaine Higgins, Deceased, as Defendants and Cross-Defendants.

4. The Clerk of the Court is DIRECTED to AMEND the CAPTION to substitute Jane Nash As Executor Of The Estate Of Decatur Higgins A/K/A The Estate Of Mabel Elaine Higgins with:

- (a) "Estate of Decatur Higgins, Deceased"; and
- (b) "Estate of Mabel Elaine Higgins, Deceased" as Defendants and Cross-Defendants.

IT IS SO ORDERED.

Dated: November 9, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE